

Ex. '3'

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November 24, 2021

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RE: Melanie Schulte  
Loan: ending 6861  
BK Case No.: 09-29123-MKN  
Address: 1392 Echo Falls Ave., Las Vegas, NV 89123

Mr. Campbell:

I am in receipt of Shellpoint's Supplemental Response to Schulte's First Set of Request for Production of Documents and Interrogatories sent on November 12, 2021. But as of today's date, I still have not received sufficient discovery documents and responses from Shellpoint. These include the following:

**First Request For Production of Documents:**

**Request for Production of Documents Number 5:**

A print out of all calls Shellpoint made to, or received, from Schulte's since it took over servicing of the loan regarding the real property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123.

**Response::**

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the

Shellpoint. The request is calculated to annoy and harass Shellpoint. Debtor may create her own call log based on her records. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: Equally Available - The information sought in this request is equally available to the Debtor. Specifically, Debtor may review her own phone records and/or call logs.

\*Notwithstanding the above objections, Shellpoint is still researching whether it made any calls to the Debtor regarding the Subject Loan or Property. Discovery is ongoing. If Shellpoint locates a call log, it will produce the document. However, as of date of this Response, no such document exists and Shellpoint cannot simply “provide a computer printout” of the call log as asserted by the Debtor. Notably, Shellpoint requested the same document from the Debtor in its Request for Production of Documents, and Debtor failed to produce the same (*See* RPD 39). Why is the Debtor’s Request less burdensome than Shellpoint’s Request for the same documents?

**Reply:**

Shellpoint keeps these types of records in the ordinary course of its business. Further, it easier for Shellpoint to produce these records from its data base. And Shellpoint is required by federal law to maintain and retain these records. To the extent Shellpoint does not retain such records regarding the calls it makes or receives while servicing a loan please state that.

**Request for Production of Documents Number 6:**

A copy of Shellpoint’s call log, both incoming and outgoing, related to Schulte and the property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123, since taking over the servicing of this loan.

**Response:**

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the

Shellpoint. The request is calculated to annoy and harass Shellpoint. Debtor may create her own call log based on her records. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: Equally Available - The information sought in this request is equally available to the Debtor. Specifically, Debtor may review her own phone records and/or call logs.

Objection: Asked and Answered, Repetitive. This discovery request has, in substance, been previously propounded and responded as explained in Shellpoint's above responses.

\*Notwithstanding the above objections, Shellpoint is still researching whether it made any calls to the Debtor regarding the Subject Loan or Property. Discovery is ongoing. If Shellpoint locates a call log, it will produce the document. However, as of date of this Response, no such document exists and Shellpoint cannot simply "provide a computer printout" of the call log as asserted by the Debtor. Notably, Shellpoint requested the same document from the Debtor in its Request for Production of Documents, and Debtor failed to produce the same (*See* RPD 39). Why is the Debtor's Request less burdensome than Shellpoint's Request for the same documents?

**Reply:**

Shellpoint keeps these types of records in the ordinary course of its business. Further, it easier for Shellpoint to produce these records from its data base. And, Shellpoint is required by federal law to maintain and retain these records. To the extent Shellpoint does not retain such records regarding the calls it makes or receives while servicing a loan please state that.

**Request for Production of Documents Number 7:**

A list of all phone numbers Shellpoint has on Schulte.

**Response::**

\* Shellpoint is still researching which phone numbers it has on record for the Debtor. Discovery is ongoing

**Reply:**

Shellpoint keeps these types of records in the ordinary course of its business. Further, it is easier for Shellpoint to produce these records from its data base. And, Shellpoint is required by federal law to maintain and retain these records. To the extent Shellpoint does not retain such records regarding the calls it makes or receives while servicing a loan please state that.

**Request for Production of Documents Number 8:**

A list of the fees Shellpoint has been paid on the loan at 1392 Echo Falls Ave., Las Vegas Nevada 89123 since it took over servicing and how they were calculated.

**Response::**

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: *Vague and Ambiguous* - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “fees” is not defined such that Shellpoint would have enough information to provide an informed response.

\*Please provide additional information and clarification regarding which “fees” Debtor is referring to. Shellpoint incurs many fees in the course of business from various vendors, entities, governmental agencies, tax authorities, etc.

**Reply:**

“Fees” refers to the amount of money Shellpoint has received from servicing the mortgage payments made by Schulte since it began servicing the loan for 1392 Echo Falls Ave., Las Vegas Nevada 89123 in August 2015.

**Request for Production of Documents Number 9:**

All of Shellpoint’s Policy and Procedures Manuals from 2015 to 2021.

**Response:**

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint.

Objection: Relevance – This Request is not relevant to any contested matter and is not reasonably calculated to lead to the discovery of admissible evidence related to any contested issue.

Objection: Proprietary/Confidential Information - This discovery request attempts to obtain confidential/proprietary information of Shellpoint.

Objection: Vague and Ambiguous - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “Policy and Procedures Manuals” is not defined such that Shellpoint would have enough information to provide an informed response.

\*This Request is extremely overbroad and vague. Limiting the Request to “Policy and Procedure Manuals for Bankruptcy cases” does not adequately limit the scope of the Request. Moreover, Shellpoint asserts any such documents contain confidential/proprietary information of Shellpoint. Consequently, Shellpoint cannot respond substantively to this request.

**Reply:**

This Request is a simple turnover of Shellpoint’s Policy and Procedures Manuals for handling bankruptcy cases for the years 2015 to 2021. To the extent Shellpoint has no Policy and Procedure Manual for handling bankruptcy case those years please specifically state that. Otherwise, please produce them.

**Request for Production of Documents Number 10:**

A list of any calls between Shellpoint and Schulte where a recording was made.

**Response::**

Objection: Burdensome, Oppressive, Overbroad - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty

to create or modify responsive documents for the Debtor.

\*Notwithstanding the above objections, Shellpoint is still researching whether it made any calls to the Debtor regarding the Subject Loan or Property. Discovery is ongoing. If Shellpoint locates a call log, it will produce the document. However, as of date of this Response, no such document exists and Shellpoint cannot simply “provide a computer printout” of the call log as asserted by the Debtor. Notably, Shellpoint requested the same document from the Debtor in its Request for Production of Documents, and Debtor failed to produce the same (*See* RPD 39). Why is the Debtor’s Request less burdensome than Shellpoint’s Request for the same documents?

**Reply:**

Shellpoint keeps these types of records in the ordinary course of its business. Further, it easier for Shellpoint to produce these records from its data base. And, Shellpoint is required by federal law to retain these records. To the extent Shellpoint does not retain such records regarding the calls it makes or receives while servicing a loan please state that.

**Request for Production of Documents Number 11:**

Produce any recordings made of calls between Schulte and Shellpoint.

**Response:**

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint.

\*Notwithstanding the above objections, Shellpoint is still researching whether it made any calls to the Debtor regarding the Subject Loan or Property. Discovery is ongoing. If Shellpoint locates a call recording, it will produce the recording. However, as of date of this Response, no such recording exists and Shellpoint cannot simply “provide a computer printout” of the recording as asserted by the Debtor. Notably, Shellpoint requested the same document from the Debtor in its Request for Production of Documents, and Debtor failed to produce the same (*See* RPD 39). Why is the Debtor’s Request less burdensome than

Shellpoint's Request for the same documents?

**Reply:**

Shellpoint keeps these types of records in the ordinary course of its business. Further, it is easier for Shellpoint to produce these records from its data base. And, Shellpoint is required by federal law to retain these records. To the extent Shellpoint does not retain such records regarding the calls it makes or receives while servicing a loan please admit to that.

**Request for Production of Documents Number 16:**

Provide a list of codes and their meaning in relation to the electronic data base for Schulte's loan on the property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123 from the time Shellpoint took over servicing of the loan.

**Response:**

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: *Vague and Ambiguous* - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term "electronic data base" and "codes" are not defined.

\*To the extent Debtor is confused regarding the meaning of a specific notation in the log, Shellpoint will provide clarification to the Debtor upon request.

**Reply:**

The point of discovery is to receive the requested documents and information prior to discovery ending, to prepare for depositions and save time at trial. Here, Shellpoint is being asked to provide a list of codes that it uses in relation to any electronic entry it makes on a loan it services. Such request is appropriate and expected.



**Request for Production of Documents Number 17:**

Provide any log notes or communication notes regarding Schulte and the property located at 1392 Echo Falls Ave., Las Vegas Nevada 89123 from the time Shellpoint took over servicing of the loan.

**Response:**

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty to create or modify responsive documents for the Debtor.

Objection: *Attorney-Client Privilege, Attorney Work-Product Protection* - The request seeks information subject to the attorney-client privilege. The attorney-client privilege is broadly construed, and extends to “factual information” and “legal advice.” Further, this discovery request seeks attorney work product.

Objection: *Vague and Ambiguous* - Shellpoint objects to this Request on the grounds that it is vague and ambiguous. In particular, the term “log notes” is not defined.

\*Notwithstanding the above objections, Shellpoint produced the internal servicing log/notes for the Subject Loan in its possession on November 2, 2021. (SP 2750 – SP 2799).

**Reply:**

The documents Shellpoint provided (SP2750 –SP 2799) do not comply with Schultes request. Shellpoint has an internal computer data base on every loan it services. This includes contacts with the client, whether by letter or mail. And a computer data base regarding payments received, payments owed, how these payments are credited, and any complaints or problems a customer has made, as required by federal law. Please provide that entire computer printout of such contact in relation to Schulte’s loan for 1392 Echo Falls Ave., Las Vegas Nevada 89123.

In the alternative, if Shellpoint is stating that the documents listed in (SP2750–SP2799) is the *only* information it keeps in relation to servicing Shulte’s loan at 1392 Echo Falls Ave., Las Vegas Nevada 89123 please admit to that.

**First Set of Interrogatories:**

**Interrogatory Number 13:**

For all Request for Admissions that were denied or not explicitly affirmed please list each particular Request for Admission and explain your denial.

**Response:**

Objection: *Burdensome, Oppressive, Overbroad* - This discovery request is broad and unlimited as to scope as to be an unwarranted annoyance, embarrassment, and is oppressive. To comply with the request would be an undue burden and expense on the Shellpoint. The request is calculated to annoy and harass Shellpoint. Shellpoint has no duty to create or modify responsive documents for the Debtor. Debtor may review Shellpoint's Responses to the Requests for Admissions, which contain sufficient detail regarding the reason for each denial.

\*To extent Debtor has any questions regarding the specific reasons for a specific denial. Shellpoint's counsel is available to discuss the same over a conference call.

**Reply:**

This interrogatory was not properly responded to. The proponent is not required to telephonically discuss each said denial with Shellpoint's counsel. Instead Shellpoint is to respond to this interrogatory. Please respond properly with specific answers.

Please contact me or update these responses by December 3, 2021. Otherwise I will have no choice but to file a motion to compel.

Thank you,

  
Christopher P. Burke, Esq.